

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DEBRA MAYER,

Plaintiff,

-against-

MONARCH RECOVERY MANAGEMENT,
INC.,

Defendant.

**VERIFIED COMPLAINT and DEMAND
FOR JURY TRIAL**

NOW COMES Plaintiff, Debra Mayer ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for his Verified Complaint against Defendant, Monarch Recovery Management, Inc., ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in Lock Port, Niagara County, New York.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a corporation having its principal place of business located in Philadelphia, Pennsylvania.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant conducts business in the state of New York, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.

11. Defendant placed calls to Plaintiff at her place of employment.

12. Plaintiff notified Defendant’s representative, Matt Barr, to stop contacting her at her place of employment since she is not allowed to receive personal calls.

13. Despite this notification, Defendant continues calling Plaintiff at her place of employment.

14. Defendant contacted Plaintiff from 215-320-0424.

15. Defendant calls Plaintiff’s work number XXX-XXX-4993.

CLAIM FOR RELIEF

16. Defendant’s violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692c(1) of the FDCPA by contacting Plaintiff at a time and place known, or which should have been known, to be inconvenient by continuously contacting Plaintiff on her work telephone after she instructed Defendant to stop calling her at that location.
 - b. Defendant violated §1692c(3) of the FDCPA by continuously contacting Plaintiff at her place of employment after being instructed that the calls were prohibited by Plaintiff's employer.
 - c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff;
 - d. Defendant violated §1692d(5) of the FDCPA by causing a telephone call to ring and/or engaging Plaintiff in telephone conversations repeatedly and/or continuously with the intent to annoy, abuse or harass the Plaintiff;
17. Plaintiff is entitled to her attorney's fees and costs incurred in this action.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: April 26, 2011

KROHN & MOSS, LTD.

By: 

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Debra Mayer, hereby demands a jury trial in this matter.

VERIFICATION

STATE OF NEW YORK)

COUNTY OF NIAGARA)

Plaintiff, DEBRA MAYER, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;

Pursuant to 28 U.S.C. § 1746(2), I, DEBRA MAYER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 4-26-2011

Debra Mayer
DEBRA MAYER